

**Application for United States Patent  
Declaration and Power of Attorney**

**As a below named inventor, I hereby declare that:**

**My residence, post office address and citizenship are as stated below next to my name;**

**I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention**

**SYSTEM AND METHOD OF PREDICTING FUTURE BEHAVIOR OF A BATTERY OF END-TO-END PROBES TO  
ANTICIPATE AND PREVENT COMPUTER NETWORK PERFORMANCE DEGRADATION**

**the specification of which:**

(check one)       is attached hereto  
 was filed on \_\_\_\_\_ as  
 Application Serial No. \_\_\_\_\_  
 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).\*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
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<hr/> <u>(Number)</u> <hr/>	<hr/> <u>(Country)</u> <hr/>	<hr/> <u>(Day/Month/Year Filed)</u> <hr/>	<u>yes</u> <u>no</u>
<hr/> <u>(Number)</u> <hr/>	<hr/> <u>(Country)</u> <hr/>	<hr/> <u>(Day/Month/Year Filed)</u> <hr/>	<u>yes</u> <u>no</u>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<hr/> <u>(Application Serial No.)</u> <hr/>	<hr/> <u>(Filing Date)</u> <hr/>	<hr/> <u>(Status: patented, pending, abandoned)</u> <hr/>
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**Power of Attorney:** As a named inventor, I hereby appoint Manny W. Schecter, Reg. No. 31,722, Terry J. Ilardi, Reg. No. 29,936, Stephen C. Kaufman, Reg. No. 29,551, Louis J. Percello, Reg. No. 33,206, Jay P. Sbrollini, Reg. No. 36,266, Robert M. Trepp, Reg. No. 25,933, Daniel P. Morris, Reg. No. 32,053, Kevin P. Jordan, Reg. No. 40,277, Douglas W. Cameron, Reg. No. 31,596, David M. Shofi, Reg. No. 39,835, Christopher A. Hughes, Reg. No. 26,914, Edward A. Pennington, Reg. No. 32,588, John E. Hoel, Reg. No. 26,279, Michael E. Whitham, Reg. No. 32,635, C. Lamont Whitham, Reg. No. 22,424, Marshall M. Curtis, Reg. No. 33,138, and Clyde R Christofferson, Reg. No. 34,138, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, PC, 11491 Sunset Hills Road, Suite 340, Reston, Virginia 20190. Phone calls should be directed to Whitham, Curtis & Christofferson, PC at 703-787-9400.

Please allocate this application to customer number 30743.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor: Ilya Gluhovsky

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 333 Escuela Avenue, #332, Mountain View, Santa Clara County, California 94040

Citizenship: United States of America

Post Office Address: same as residence

(2) Inventor: Alan J. Hoffman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 115 Old Mill Road, Greenwich, Fairfield County, Connecticut 06812

Citizenship: United States of America

Post Office Address: same as residence

(3) Inventor: Herbert M. Lee

Signature: Herbert M. Lee Date: 10/30/2003

Residence: 132 Ball Pond Road, New Fairfield, Fairfield County, Connecticut 06812

Citizenship: Canada

Post Office Address: same as residence

(4) Inventor: Emmanuel Yashchin

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 257 Carolina Road, Yorktown Heights, Westchester County, New York 10598

Citizenship: United States of America

Post Office Address: same as residence

\*Title 37, Code of Federal Regulations, §1.56(a):

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

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Docket N :YOR920000602US1

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Signature: Alan J Hoffman Date: Oct 30, 2003

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